

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

United States of America
v.
Martin S. Gottscheld
Defendant, pro se

Case No.: 16-cr-10305

U.S. DISTRICT COURT
DISTRICT OF MASS.

JAN - 7 PM 1:22

FILED
IN CLERKS OFFICE

EMERGENCY MOTION FOR CONTINUANCE

Defendant Martin S. Gottscheld (herein "Defendant"), acting pro se over his continuing objection, hereby moves The Honorable U.S. District Court on an emergency basis for a continuance of the pending sentencing hearing until such time as he has received both the final pre-sentencing report (PSR) as well as the government's sentencing memorandum and until he has had an adequate amount of time, given that he has no access to a word processor nor a typewriter, to compose and file his sentencing memorandum and to prepare his witness list.

As of yet, the defendant has not received either the final PSR nor the government's sentencing memorandum (please see affidavit attached hereto as Exhibit A). The defendant previously mailed The Honorable Court a notice to the effect that he had not yet received the final PSR. Further, even should the defendant receive both documents today, an insufficient amount of time remains before the scheduled sentencing hearing on January 10th, 2019 for the defendant to prepare adequately

by hand and file a sufficient memorandum and potentially to prepare witnesses whose testimony may be necessary. The defendant notes for instance that filings mailed by him on Thursday, December 27th, 2018 and received at the courthouse Monday, December 31st, 2018 were not visible on the docket until Thursday, January 3rd, 2019. Thus, while factoring the New Year holiday into this example, even if the defendant were to receive the necessary documents today and prepare and mail a memorandum post-haste, an insufficient amount of time would exist for it to appear on the docket.

Therefore, not only is a continuance clearly in the interests of justice, but one is necessary in order to satisfy the defendant's rights under The Due Process Clause and The 6th Amendment to adequately present his defense. The defendant has never waived any of his rights under The 6th Amendment and he vigorously asserts them now.

Having not yet received either the PSR nor the government's sentencing memorandum, the defendant is unable to commit to a firm date for the sentencing hearing. However, he could tentatively agree to a date no earlier than February 11th, 2019 provided he were to receive both documents forthwith and there being nothing blindsiding contained in either.

IMPORTANT NOTE: Please see Notice of Receipt of PSR and Appeal, also signed on January 4th, 2019.

Respectfully marked on January 4th, 2019,

M.S.G

Martin S. Gottesfeld, pro se
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26 Long Pond Road
Plymouth, MA 02360

CERTIFICATE OF SERVICE

I, Martin S. Gottesfeld, pro se, hereby certify
that on January 4th, 2019 the foregoing document(s)
will be mailed to Assistant U.S.
Attorney David D'Addio,

Mart G

Martin S. Gottesfeld

Pro Se